



Minutes

House Select Committee on Methamphetamine Abuse

**Wednesday, February 22, 2012
Room 1425, Legislative Building
2:00 pm**

The House Select Committee on Methamphetamine Abuse met on Wednesday, February 22, 2012 at 2:00 p.m. in Room 1425 of the Legislative Building.

Representative D. Craig Horn, Co-Chair presided.

The following members were present:

Representative John Faircloth, Co-Chair	Representative Annie Mobley
Representative Trudi Walend	Representative Marian McLawhorn
Representative Sarah Stevens	Representative Joe Tolson
Representative Mark Hollo	Representative Mickey Michaux
Representative Justin Burr	Representative Tom Murry

Representative Horn called the meeting to order. He welcomed everyone, and reminded the Representatives to fill out and return reimbursement forms. Representative Horn welcomed and recognized our House Sergeant at Arms, Wayne Davis, and Doug Harris. Minutes were approved as presented.

Representative Horn welcomed MAMA from Duplin County. He also welcomed J.W. Simmons from Sampson County Meth Task Force and Jeff Shipp, community relations manager from Star Telephone also from the Sampson County Meth Task Force.

Representative Horn stated that education is the key part of controlling meth abuse in NC. MAMA Chapter President D.L. Scott and Angela Turner were invited to make their presentation. Rep. Horn reminded representatives to turn in reimbursement forms. D. L. Scott introduced himself as the President of the local Duplin county chapter of Help MAMA. He then introduced Karen Scalf, Duplin County Cowgirl. Mr. Scott gave a history of MAMA (Mother's

against Methamphetamine). Mr. Scott explained that Mary Holly was invited to Sampson County. Dr. Holly started MAMA after her brother's death of a crystal meth overdose. In 2005 she closed her medical practice to do research on the dangers of meth. Her website is Mamasite.net. In 2008 she came to Duplin County to make a presentation to Duplin County Community College. Dr. Holly started HELP MAMMA which is "Healing through Education Love and Prayer". It was the first chapter in NC. The website is HELPMAMANC.com. Mr. Scott pointed out the signs in the committee room that have a phone number, website, and email address to receive help with meth abuse. Rev. Linda Gratia was presented next. She is pastor of Pink Hill and Woodland United Methodist Church. Pink Hill offers support group assistance for meth addicts and families that are involved with meth abuse. An effort was made by coordinating art projects drawn by students to draw attention to what drug abuse can do. Rev. Gratia made reference to Montana meth projects that had been done. These projects were used as a model for what was done in Duplin County. She pointed out examples of art that was done by the students to bring awareness to the community. They campaigned using art and small road signs in Pink Hill and Lenoir and Duplin County areas to raise awareness of meth. They found there was a lack of awareness of meth abuse and the dangers of meth. They went into schools and were able to campaign with **Red Ribbon Week** to education students. Red Ribbon Week is a national campaign to raise awareness of drug abuse. After this awareness week students began to ask questions and also revealed family issues that were happening in their respective homes. This program educates about making choices. Meth ravaged several families in Duplin County.

"Crystal Darkness", a 30 minute documentary was shown that educates the audience about the dangers of meth. The video had testimonies from meth users about the effects and addictiveness of the drug. It is believed to be the most watched video in Northern Nevada. It received 100's of phone calls and students began to talk about the documentary in school. The campaign received a huge, positive response and brought communities together. Cities and states wanted to launch a similar campaign. The success was phenomenal.

Karen Scalf: (**Attachment 1**) Presentation emphasized how critical education is to fight the meth abuse problem.

Representative Horn thanked the presenters. Questions:

Representative Horn: What are the hard numbers in NC?

D.L. Scott: Meth has touched thousands of lives. Schools, civic organizations, churches, pass out pamphlets at games and conferences. Mary Holly touched thousands in one presentation. They set up booths anywhere they can educate on the dangers of meth.

Representative Horn: Where is the funding coming from?

D.L. Scott: Grants, donations, people sell jams and jellies and donate the money. Anyway they can get it. One group started a furniture store of thrown out furniture and then they resell it. Anywhere we can scrap a dollar. Any grants we can get.

Representative Horn: Are you supported by direct tax supporters?

D.L. Scott: No.

Representative Horn: What is the role of NC? If you can convince everyone to endorse the Crystal Darkness campaign statewide. They blackout every TV station in NC if they'll agree to it and show this 30 minute documentary. They want to get to the children through the school

system. The key is the Crystal Darkness program. A whole statewide campaign could be done for 100,000.

Representative McLawhorn: Thank you for what you're doing. You're in some schools, wondered what DPI (Dept. of Public Instruction)-how does-I'm assuming you're doing this on your own. How does the curriculum of NC school children fit with what you're doing?

D.L. Scott: Schools actually have in their curriculum a substance abuse program that is supposed to be taught every year. Our problem is we have no way of policing it to make sure it's being done. We passed out videos to be shown every year in school. Everyone is educated about drug abuse. We had the assistant superintendent reply to me. We only had 4 responses. We need to find a way to police that.

Representative Mobley: What is the number of victims?

D.L. Scott: Every rehab is full—most have 5 to 6 week waiting periods.

Representative Mobley: I'm asking specifically about children.

D.L. Scott: Meth is more of an adult drug. Marijuana, RX drugs, alcohol is more of a teenager drug. These lead to crystal meth at an older age. Start out w/marijuana, then on to something that feels better. They end up at Crystal Meth and you've lost your son or daughter because they no longer exist. It's a different entity that crystal meth produces.

Representative Steven: Can we get a copy of the Crystal meth video that is shown state wide.

D.L. Scott: Yes Mam, I can get that for you.

Representative Horn thanked them for what they are doing for North Carolina and Duplin County.

Representative Horn: The next issue is the clean-up issue that came up in the last meeting. Not just the cleanup that law enforcement does--actually what happens next? We don't know what happened in those facilities before we were there in rental cars, hotels, rental housing, etc. We don't know what happened before we were there and how clean is clean. We have a short video and then we're going to hear some firsthand experience by Dave Wagner, of WCNC TV.

Showed video of documentary that Dave Wagner did that aired on Channel 36 by Dave Wagner. Attachment 2

Representative Horn introduced Dave Wagner. Mr. Wagner said he is no expert on meth but has spent a lot of time around meth labs. Mr. Wagner reported that he never found a meth lab that had been properly decontaminated. Western states like Washington State and Oregon where meth has ravaged for some time are ahead of the game. These states have a better system because of their experience. Meth labs that are found in homes in this area have to be inspected by a certified contractor before they can be rented again. Clean means not containing meth over .05 micrograms. .80 grams was found in one home—16 times higher than what is acceptable in Washington State and Oregon. Problem in NC-police and law enforcement are making meth busts but there is no follow up. Some states are working really hard to clean up properties. In Washington and Oregon a notice is put on the title of property where meth is found and cannot

be rented again until it has been cleaned up and inspected. Here people go back to homes after getting a letter from the health department. Some people ignore warnings and allow people to move back in or try to clean it up themselves. In many cases these are cheaper homes. Clean up may be cost prohibitive. Renters don't realize the danger. There is nothing in place that protects people before they rent or buy the homes. Some are poor and have no way of getting out of these homes. The long term danger of meth is residual meth contact. They know they are cancer causing and can cause brain danger. Rep. Horn thanked Mr. Wagner.

Questions:

Representative McLawhorn: Is there any kind of middle ground for the homeowner not to have to spend a lot of money to clean up. Does any other state have anything that has a compromise? Are the tenants that made the mess accountable?

Mr. Wagner: There is no money from the meth addicts. They have spent all their money on meth. There is no follow up by health department. I do a simple test that cost \$40 which is recognized by the states that have strict follow-up laws. For \$40 to \$80 dollars you can test this property and tell if there is a presence of meth. There does not have to be a huge expense unless it's been a super lab. The furniture left in these meth labs are sold, or goes on Craig list or goes to a second hand store. Furniture is still heavily contaminated. I have seen homes where there were meth labs 6 to 8 years later that still have meth residue.

Representative McLawhorn: Would it be your recommendation for the Health Dept. to check all of these?

Mr. Wagner: You would have to weigh the costs. If a dozen people get cancer or 1 person, I think it's probably worth it. It's a simple test. I can test a house for meth in 5 minutes. If you can go out and do 4 quick samples and it costs \$40 I think it's important to hold the homeowner accountable to a reasonable standard to make it safer.

Representative Michaux: I guess one problem we have is the empirical data we have, we have other problems, asbestos problems, lead paint problems. We have data for those issues. I don't think the data is out there.

Mr. Wagner: I think you're right. They know it causes cancer and we know it causes brain damage. What they don't know is what the residual effect is. States out west like Oregon, they have decided to take proactive measure to make sure houses are cleaned. Breathing problems and unexplained headaches are symptoms I am finding out there. Tell people this was a former meth lab and give people an option. To fool them by not telling them a house was a former meth lab to me is a crime.

Representative Michaux: At what level does it become dangerous?

Mr. Wagner: .05 micrograms is the measurement that they believe is dangerous. That is what they consider uninhabitable or dangerous. Other states have a slightly higher measurement. States are grappling with this. They know that it is dangerous. Law enforcement wouldn't be cleaning up in space suits if they didn't believe there was some sort of danger.

Representative Michaux: My point is you're talking about .05 micrograms-what harm is caused at that level?

Mr. Wagner: Anything above that is potentially dangerous. This is a new phenomenon. Not unlike the dangers of second hand smoke over the years. Health officials have determined that it's too dangerous to step foot in there, much less live in there. No data on long term effects. There is some speculation about the long term effects.

Hal Pell: In those states where they have notices on file, do they have civil or criminal penalties for landlords that sell homes without cleaning.

Mr. Wagner: I'm not sure, but I do know they hold them accountable especially Washington State and Oregon.

Representative Faircloth: Did you find in your research that most are rental homes.

Mr. Wagner: Yes, most of them are. Some have been sold, but must be under \$100,000 and I've found hotels rooms that have been used to. You're checking into a hotel room and you don't know if it's been used as a meth lab. That is a realistic concern.

Representative Faircloth: In this drug phenomenon that we've had since the 60's and this is the pentacle of danger-methamphetamine is. It's the chasing of the wolves after they've stolen the chickens. We've got to recognize the owner of those homes, the financial investment that is there—I know it sounds harsh, but it's a part of the whole situation and we've got to find some way to be ahead of the curve to help these homeowners know a head of time this problem occurring. We make it difficult for homeowners to keep track of their properties and make sure their property is in good shape. It's not easy to address—a lot of danger involved and a lot of questions. I hope that the committee that comes after us will look at the whole package and not jump to quickly that will bring relief to one party and harm the other.

Mr. Wager: I know the predicament homeowners are facing. They are simply trying to rent property and don't do due diligence and in other cases they are surprised as anybody that they're property is a meth lab. Simply adding a link to a state site of national clandestine meth labs—it may not be complete because I know they are adding meth labs all the time but at least if they are going to rent a property the renter can go to a data base that they could go to before renting the property to check and see if their property is listed. There is no easy solution.

Representative Stevens: Are hotel rooms included in clandestine meth lab numbers?

Mr. Wager: Yes they are. Some states have no follow up. Should states use same people for clean it up as the same people that say it is cleaned up. Is this a conflict of interest? There are a lot of arms to this that stretch far and wide. It is difficult to make a decision on how to hold property owners responsible without seeing the financial repercussions. I've seen a lot of children and babies crawling on floor that many states would say are dangerous chemicals.

Representative Horn: Who is doing it right?

Mr. Wagner: Washington and Oregon where there are the big super labs. Missouri contacted him after his story and asked him about this. It hit these states very, very hard. In Missouri and lot of Midwest states a lot of meth is made with hydrous ammonia which is fertilizer in farm fields. Missouri is taking a proactive approach. I would look at these states to see how they are doing it.

Representative Horn: Is the test you use a test kit that is commercially available?

Mr. Wager: Went to states that do the testing—Washington and Oregon. It is a very simple test kit. Has a test tube—4 little sheets of ice purple alcohol—very simple. Swab an area and it lifts the meth off the wall, off the floor and off the vents. Rub for about 20 seconds, send it off to a lab and you know within 48 hours you know whether that property is contaminated.

Representative Horn thanked Mr. Wager for his time and testimony. There are significant issues involved. You have privacy issues, personal property issues, how hard it is to evict someone, how often you can inspect. We have a lot of retired people that depend on rental income to live themselves. It's a difficult balancing act to put it mildly.

Representative Michaux: You have another problem and that's a data problem. You have one standard in one place and another standard in another place—one standard in Washington and one standard in Missouri that are probably different.

Representative Horn: It's a very difficult issue and hopefully one we will consider as we move through the process with this oversight committee.

Representative Horn introduced Special Agent Van Shaw who is the Deputy Assistant Director for Special Operations with the State Board of Investigation. He will bring us up to date on the Nplex System and how it's going. We are not into not quite month 2 with the Nplex System.

Special Agent Shaw introduced himself as Deputy Assistant Director of the special operation division of the NC State Bureau of Investigation. I'm here to do two things. One is to provide a statistical report of meth labs that occurred in each calendar year. It also includes a comprehensive report the National Precursor Log Exchange. He provided a handout. (See Attachment 4 for Van Shaw's report).

Representative Horn: Questions?

Representative Michaux: Do you have any explanation of why there is a concentration in certain areas of the state?

Mr. Shaw: What we see is the year end. We tend to see groups that work together. Meth addict/producers tend to group together. It's not the typical drug ring that we used to see. They're feeding their own addiction. Most meth producers are addicts themselves. In a year's time, one meth cook will teach 5 more people how to cook meth. Burke County has made it a priority to bust meth labs. Law enforcement is driving these numbers up. One meth cook may have a critical ingredient and can come together with another cook that needs an ingredient that he has. They will cook together and split what they produce. They feed their own addiction and then they sell it to get more money to start the whole process over again. It is very beneficial to them. This is why we call it a "clustering" effect.

Representative Murry: No meth lab counties? I find it remarkable that Wake County has no meth labs.

Mr. Shaw: We have had meth labs in those areas. It could be that they have weeded out the problems. Or it could be resources. Some counties have very few resources. Some counties are dealing with situations that are happening right before them vs. what could be secretive. We find a lot but some are stumbled on in domestic situations. Highly densely populated areas are harder to find meth labs. I'm sure there are meth labs in some of these "no meth lab" counties.

Representative Murry: I have some other questions about the Nplex situation. When a sell is blocked, data is blocked on that sell—correct?

Mr. Shaw: Yes.

Representative Murry: What do you do with that stop sale data?

Mr. Shaw: Unless that person is on a watch list, nothing is done. It's one of—when we teach people how to use that data that's one thing we want them to look for is that "stop sale". They're going to go somewhere else—try it again, try it again. That's a tool that

Representative Murry: So that data is collected and used in Law Enforcement? 82 percent of pharmacies are using the program?

Mr. Shaw: Now it's 99 percent.

Representative Murry: There were probably other aspects: 7224 would have succeeded. There was probably a significant amount of pseudoephedrine that was sold. I would like to see what was actually sold. Does that make sense?

Mr. Shaw: We can get that.

Representative Murry: We don't want to talk just about what wasn't sold, but what was sold legally. That would be an interested figure for this committee to see.

Representative Stevens: I have 2 questions. 1: What would be the cost of that (appropriations)?

Mr. Shaw: I don't have the figures here. That is being compiled by the Dept. of Justice staff. That would be included on a budget expansion request.

Representative Stevens: 2: You said that labs found in motel rooms is there a reason they wouldn't be on the clandestine labs and if they are-is that by actually motel rooms?

Mr. Shaw: The National registry is maintained by the US DEA. I can tell you that they run way behind. I don't know how they categorize motels. County health departments deal with hotels differently than they do private residences. Hotels are considered well within the purview of public health. They can close them until they meet requirements or onsite inspections. I have been with this issue for 11 years. You are now taking public health into a private residence environment. We found one at the Red Roof Inn on South Saunders Street. Labs are found in the public arena. It's not prolific but it does happen.

Representative Stevens: How far behind is the National Registry is from what it is on the state level? 6 months to a year?

Mr. Shaw: I would say at least 6 months. They're compiling national statistics so I'm sure it's a pretty daunting task to say the least.

Representative Horn: I'm going to start with-you heard the presentation on clean-up. Do you have any questions or comments for this committee?

Mr. Shaw: I can speak to it from a historical standpoint. There are varying degrees of health department boards up. The state of Kentucky is very aggressive. They have civil and criminal approaches to it. Some states have no approach. In 2005 approach there was a middle ground approach. We had health department provide guidelines. We are required to notify health department, and then we notify homeowner. We put a placard on the house. Can they remove it-absolutely. We've seen people keep them as a badge of honor. Found one house where they were 4 on the wall. They were very proud. In 2005 the approach was a middle road approach it was unfunded mandate. It was a system put in place with minimal impact on available personnel.

Representative Horn. Second question-so far this year we have 78 labs. Same period a year ago what did you have?

Mr. Shaw: I would say about 40-40 would be a safe...

Representative Horn: We are almost double from where we were are last a year ago in spite of the implementation of Nplex.

Mr. Shaw: You can see why we need to get the container program up and running.

Representative Horn: You talk about packages blocked. Packages come in various counts. Should we remove packages and deal with ounces or grams what will it do to your reporting system?

Mr. Shaw: The packaging part means nothing to us. We look at grams. It's the exceedance of the daily and 30 day limits. If we see someone that stop sales, stop sales, stop sales it's not somebody that has a bad head cold. It's somebody after meth.

Representative Horn: So the term "package" is "stop sales"?

Mr. Shaw: So if you have 7000 packages that didn't get sold would equate to over 14,000 grams.

Representative Faircloth: We talked about numbers of labs. That has changed since number of labs was houses. Now we're at one pots. How do figures from 2004 relate to 2011 in actual grams? Is there any comparison there?

Mr. Shaw: A one pot is generating a smaller amount. It's a movement to feed the addiction immediately. It is less--years ago back in 2004 we tended to see people ramping up production and make larger amount. What we are seeing now is people making the 1 pot method, and extrapolated it out. Instead of 1- 2 liter bottles, we are seeing 5 - 2 liter bottles and running them all at the same time. Even with the red phosphorous and anhydrous ammonia method we would see small cooks and we would see bigger cooks. 1 pot makes smaller amounts, but we are also seeing larger amount. Larger amounts--1 to 2 ounces of meth being manufactured not 1 to 2 pounds. A typical pot will yield multigrams. Would have to set up multiops to achieve 1 or 2 grams of meth.

Mr. Duke: I worked in Surry County where they had 57 1 pots of meth. They had been doing it, doing it, doing it. They had ramped it up to that degree. It is infinitely scalable.

Representative Faircloth: Would it help to be able to say, "we caught this lab last week and they were producing x amount of meth"?

Mr. Shaw: Can we do that? Yes--when our chemists go the field they measure not only what product is there we may not get meth because as soon as it's cooked, it's gone. What we see are the lab apparatus. What we do is based on being at the scene. If we see are 30 blister packs at the scene we can come up with theoretical yield--haven't done this in our reports because it is theoretical. We use this primarily in federal court. Yes, we can have an idea of what was produced but it's theoretical.

Representative Stevens: How much meth would be produced if 8 grams of Sudafed or in essence what is a dose--gram wise?

Mr. Shaw: It depends on the user. Todd Duke is the special agent in charge. I'll let Todd answer that.

Mr. Duke: A typical user will use a quarter to a half a gram. At a 90 percent theoretical yield, 8 grams maybe. Sometimes if they rush the process they get a little less. A typical user will use a quarter to a half a gram but will use over and over while he's on a four or five day binge. Hard to tell what a user will use.

Representative Stevens: A dose is typically a quarter to a half a gram.

Mr. Shaw: That's correct.

Representative Stevens: They may use 4 or 5 doses throughout the 24 hour period of time.

Mr. Shaw: If they ramp it up.

Representative Stevens: Our nine grams we allow a month are how many pills?

Mr. Shaw: It depends on whether it's 30 milligrams or a 240 milligram package.

Representative Horn: That's why the package issue comes into play. It's the size and the number and the amount of dosage. 9 grams is approximately 25 to 30 hits.

Mr. Duke: That's about right.

Representative Horn: Last thing on our agenda is a technical amendment. You heard discussion on the 2005 legislation that set up parameters of pseudoephedrine. Rep. Horn recognized Rep. Tolson for question:

Representative Tolson: Is there anything that will send up a flag if a stop sale happens say 5 times?

Mr. Duke: You have to put that person on your watch list so that a notification is sent if that person does come up on a stop sale list by text or email.

Representative Tolson: So there is a way to notify you.

Mr. Duke: Yes there is. There is a certain number. It depends. They have to be put on a list.

Representative Tolson: Would it help, say John Doe is stopped. Does a flag pop up so that he can be put on a list?

Mr. Duke: I'm not sure. The issue would be who you would notify.

Representative Tolson: How often do you go back and look back at people that have been blocked? Or do you do that?

Mr. Duke: In my role now, not sure. As an investigator, I used the system quite a bit.

Representative Tolson: If they exceed their limit, do you get a flag on that?

Mr. Duke: Yes sir.

Representative Tolson: Mr. Chairman I suggest that we look at that as a possibility that this be used so it can be used for more effectiveness.

Representative Horn: It seems that the system could be modified to send a flag up after a certain amount of times.

Mr. Pell: Possibly at the next meeting we can have someone from the Nplex system address that.

Representative Horn: Going back, what I have included is a technical amendment to the legislation passed in 2005 as well as this passed legislative period. 3 packages in parentheses (9 grams)- is it 3 packages or 9 grams? The 1st recommendation is to set it at 9 grams and remove the confusion. The 2nd part of the technical amendment has to do with the first part – page 1- under section 2 now let's go back to section 1 which is when we passed the bill into law. On the Nplex section we didn't stop the written system and there was a conflict. You had to read a large placard and you had to attest that you had read that placard. Under the Nplex system because of the extent of the reporting and the nature of the reporting, we don't need to do that and it's a waste of time, effort and money. There are 2 pieces: A. Remove the handwritten law, B. Simplify the language to say 9 grams and make no reference to packages. I would like to ask the committee to support this and send it forward to be included in a large technical amendments bill.

Representative Stevens: What is the difference in A and B? Why do we need both? When you buy 9 grams over a period is there a problem that makes it contradictory? You can buy 9 grams a month-that's it.

Ms. Sitze: I think you could have B and not A. Who needs more than 1 pack of Sudafed in a day? That was the thought process. Have a daily limit and a monthly limit. You can say no

more than 9 grams in a month. You have that in a 30 day period. It may become harder to calculate.

Representative Stevens: My understanding is a 3.6 gram unit.

Ms. Sitze: I don't know.

Representative Murry: 30 milligram pills-federal law is inconsistent with NC law.

Representative Stevens: Do we need A and B.

Representative Murry: We need both. Theoretically federal law says you can buy only 3.6 a day.

Representative Michaux: You have a very distinct problem. You're telling me I can go in and buy 3.6 grams per calendar day but if I go over 9 grams a month, which law am I abiding?

Representative Murry: The answer is yes. I didn't write the federal law, but I'm telling you I can go in one day and buy 3 grams the next day go in and buy 3 more grams, the next day, buy 3 more grams, and I can't buy anymore.

Representative Michaux: No you can't.

Representative Murry: Yes you can—you're not reading it right. Not more than 9 grams of Sudafed w/in a 30 day period. All facts....

Representative Horn: Would you like to comment on how this is structured.

Ms. Sitze: I'm not going to get into a debate.

Representative Horn: I understand.

Mr. Pell: Just on a point that it doesn't matter in a 30 day period 3 grams on 3 separate days or just in a 30 day period you can't have cumulatively bought more than 9 grams.

Representative Horn: You're limited in a day to no more than 3.6 grams on any particular purchase not to exceed not to exceed 9 grams in a 30 day period. I don't see a conflict.

Representative Michaux: If you can limit it 3.6 grams per calendar day not to exceed 9 grams in a month than you then that's something different.

Mr. Pell: That's 2 separate sections that operate independently. One overrides the other. As long as you don't buy more than 3.6 grams per day within a 30 day period and you don't buy more than 9 grams in that 30 day period, than you're within the law.

Representative Michaux: But you've got 2 sections here, either way why don't you put your limit to 3.6 grams a day and no more than 9 grams in a 30 day period.

Representative Horn: Andy Ellen would you please clarify.

Mr. Ellen: Introduced him as being with the NCRMA. Look at subsection A—which applies to the pharmacy. Pharmacy can't deliver more than 3.6 grams to any one person in a day. S/S B applies to the person I cannot purchase more than 9 grams in a 30 day period. One-the pharmacist can't exceed the limit, 2 the person can't exceed the purchase limit. In 2005, NC passed its law that had the packages and weight limits in it similar to this. In fall of 2005, Federal Government was passed the law that changed the purchase limits consistent to what we have now. In 2006 the General Assembly made it consistent so pharmacist knew levels on what they could sell or not sell. Pharmacy can't sell more than those packages and the purchaser can't buy more than that.

Representative Michaux: Section A says no person should deliver more than 3.6 grams or no person should attempt to deliver to any one person more than 3.6 grams or no person should purchase....how are you applying this...one person is delivering and one is purchasing.

Mr. Ellen: Again, you are looking at the person who is either buying or selling, and if they couldn't go in and buy more than that at one time. So if I went and bought a package and one for my wife so in a 30 day period I couldn't exceed that 9 gram limit.

Representative Michaux: I agree, I don't have a problem with that. No person shall purchase more than 3.6 grams per day; no person shall purchase more than 9 grams per month.

Representative Stevens: Just trying to help clarify. We don't need the word purchase at the beginning of line 13, if we take out that, then the 2 paragraphs will not be inconsistent-just the word *purchase*.

Ms. Sitze: *Purchase or attempt to purchase*.

Representative Stevens: *Attempt to purchase* will still need to be in there b/c it's not in the second paragraph at all. So it would just be the word *purchase* and it will not make it inconsistent.

Mr. Ellen: I think that will be fine as long as we're consistent with the federal law. Don't want to have a pharmacy under 2 different standards. They can comply with the state standard but fail to comply with the federal law. This has been the law for 7 years and we haven't had this issue. We're just trying to take the package piece off and stay consistent with the federal law.

Mr. Pell: My question for the Nplex people is the system is set up now to someone bought 3.6 grams at one pharmacy and went to another pharmacy the same day it would raise a flag on the Nplex system based on paying. Evidently federal policy didn't feel anybody needed more than 3.6 grams in a day. If that is the way its set up, than that would be consistent with the statute.

Representative Horn: It occurs to me that we're not satisfied with the wording here. We will meet one more time before the short session. It occurs to me that we need an opportunity to insure that everyone is comfortable with proper wording and I ask you that you give that some thought. Is there anything else to come before the committee?

Ms. Sitze: Do you intend to do a formal report to the General Assembly or recommend a piece of legislation, if so we will need to adopt that at the next committee meeting or additional recommendations we will need to adopt those.

Representative Horn: I don't think this committee is ready to give a formal report yet. We have a 2 year life here. We have a lot of information to come in on the Nplex system and the SBI. Yes we do want to make a recommendation if we feel there is a necessity to correct conflict in existing legislation.

Mr. Pell: My understanding of section 1 of the bill that there is a technical reason why it had to be deleted because they could not put that into an electronic boiler plate of the Nplex system that was another reason for the committee to consider a section 1 change.

Representative Horn: There didn't appear to be any discussion about that.

Representative Michaux: Do you not have to have some type of warning?

Mr. Pell: I don't think it does away with the warning it just does away with the certain signature portion of the -would need to be added back. (hard time understanding tape.)

Representative Horn: Obviously more work to be done at the next meeting. As well we will continue to get an update from Nplex to talk about flagging and adjustments made and also indicated interest in hearing from the medical community. Have heard 30 percent of burn victims are from meth abuse.

Representative Stevens: If someone from the medical community could report on .05 micrograms and what that means and if we adopt a level of cleanup.

Representative Faircloth: Could we have the staff research the federal and state law with respect to explosives to see if single pot cooking could qualify as an explosive?

Mr. Pell: As well, as under federal law whether the consistency issues the daily and 30 day law matches up.

Representative Horn adjourned meeting at 4:04 p.m.